

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

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| ALEXANDER MALTEZOS, | : | |
| Plaintiff | : | Civil Action No. 4:11-cv-2376 |
| | : | |
| v. | : | (Chief Judge Kane) |
| | : | |
| NIKITAS GIANNAKOUIROS and MARIA | : | (Magistrate Judge Blewitt) |
| DELORENZO, | : | |
| Defendant | : | |

ORDER

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

Plaintiff filed this action on July 26, 2011, in the United States District Court for the Eastern District of Pennsylvania. That court granted Plaintiff's motion to proceed in forma pauperis and directed the United States Marshal to effect service on the three Defendants named in the complaint. On November 23, 2011, that court granted Defendant Leo Sokoloski's Rule 12(b)(6) motion and sua sponte transferred the claims against Defendants Nikitas Giannakouros and Maria Delorenzo to this Court. To date, service has not been effected on either of the two remaining defendants. Plaintiff initially provided the United States Marshal with three addresses in the Middle District of Pennsylvania, all of which were vacant buildings. On March 14, 2012, Magistrate Judge Blewitt ordered Plaintiff to provide more specific information as to the whereabouts of the two remaining defendants. On March 23, 2012, Plaintiff provided an additional address for Defendants in Macon, Georgia. After the Marshal determined that the Macon, Georgia address was a vacant building, Magistrate Judge Blewitt recommended this action be dismissed without prejudice pursuant to Rule 4(m) of the Federal Rules of Civil Procedure on April 23, 2012.

Rule 4(m) provides that “[i]f a defendant is not served within 120 days after the complaint is filed, the court – on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” Fed. R. Civ. P. 4(m). As of the date of this order, more than double the length of time provided for in Rule 4(m) has elapsed since Plaintiff filed his lawsuit without service of the complaint. In response to the Report and Recommendation, which placed Plaintiff on notice that this matter may be dismissed pursuant to Rule 4(m) of the Rules of Civil Procedure, Plaintiff failed to show good cause for not dismissing this action.

ACCORDINGLY, on this 14th day of May 2012, **IT IS HEREBY ORDERED THAT** the Report and Recommendation (Doc. No. 17) is **ADOPTED** and the complaint (Doc. No. 3) is **DISMISSED WITHOUT PREJUDICE**. The Clerk of Court is directed to close the case.

S/ Yvette Kane
Yvette Kane, Chief Judge
United States District Court
Middle District of Pennsylvania